

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86079625
LAW OFFICE ASSIGNED	LAW OFFICE 109
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (005)(current)	
INTERNATIONAL CLASS	005
DESCRIPTION	
Nutraceuticals for use as a dietary supplement; health food supplements made principally of minerals and vitamins; collagen based medicated supplements for food; health food supplements for persons with special dietary requirements; mineral supplements to foodstuffs; anti-oxidant food supplements; dietary and nutritional supplements; pads and medical pads impregnated with medicated preparation for foot sole and pain-affected area for blood circulation and detoxification; skin creams and cleansers, namely the treatment for acne, whitening, anti-ageing, scar healing, slimming, hydrating; herbs for medicinal purposes; dressings impregnated with medicinal herbs, oils and lotions for antimicrobial treatment and treatment of dermatological conditions; namely scars and wounds	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (005)(proposed)	
INTERNATIONAL CLASS	005
TRACKED TEXT DESCRIPTION	
Nutraceuticals for use as a dietary supplement; health food supplements made principally of minerals and vitamins; collagen based medicated supplements for food ; <u>Collagen based medicated supplements for food for humans</u> ; health food supplements for persons with special dietary requirements; mineral supplements to foodstuffs; anti-oxidant food supplements; dietary and nutritional supplements; pads and medical pads impregnated with medicated preparation for foot sole and pain-affected area for blood circulation and detoxification ; <u>Medical pads impregnated with medicated preparation for blood circulation and detoxification to treat foot pain</u> ; skin creams and cleansers, namely the treatment for acne, whitening, anti-ageing, scar healing, slimming, hydrating ; <u>Non-medicated, therapeutic skin creams and cleansers for the treatment of acne, dark spots and discoloration, anti-ageing, scar healing, slimming and hydrating</u> ; <u>Medicated skin creams and cleansers for the treatment of acne, dark spots and discoloration, anti-ageing, scar healing, slimming, hydrating</u> ; dressings impregnated with medicinal herbs, oils and lotions for antimicrobial treatment and treatment of dermatological conditions ; herbs for medicinal purposes; namely scars and wounds ; <u>Dressings impregnated with medicinal herbs, oils and lotions for antimicrobial treatment and treatment of dermatological conditions, namely scars and</u>	

[wounds](#); [Herbal drinks in the nature of dietary supplements for colon detoxification, liver detoxification, vision improvement and general health](#); [Vitamins and minerals fortified drinks, namely, dietary supplemental drinks in the nature of vitamin and mineral beverages](#); [Herbal drinks in the nature of dietary supplements used for weight loss](#); [Medical preparations for slimming purposes, namely, slimming drinks](#); [Nutritional supplements, namely, probiotic compositions and probiotic drinks](#); [joint-health promoting drinks, namely pharmaceutical preparations for the treatment of hormonal disorders and the prevention of osteoporosis](#); [joint-health promoting drinks, namely, medicinal drinks](#); [fruit drinks and fruits juices](#); [vegetable drinks](#); [isotonic beverages](#); [energy drinks](#); [non-alcoholic cocktails](#); [mineral and aerated waters](#); [syrups for beverages](#)

FINAL DESCRIPTION

Nutraceuticals for use as a dietary supplement; health food supplements made principally of minerals and vitamins; Collagen based medicated supplements for food for humans; health food supplements for persons with special dietary requirements; mineral supplements to foodstuffs; anti-oxidant food supplements; dietary and nutritional supplements; Medical pads impregnated with medicated preparation for blood circulation and detoxification to treat foot pain; Non-medicated, therapeutic skin creams and cleansers for the treatment of acne, dark spots and discoloration, anti-ageing, scar healing, slimming and hydrating; Medicated skin creams and cleansers for the treatment of acne, dark spots and discoloration, anti-ageing, scar healing, slimming, hydrating; herbs for medicinal purposes; Dressings impregnated with medicinal herbs, oils and lotions for antimicrobial treatment and treatment of dermatological conditions, namely scars and wounds; Herbal drinks in the nature of dietary supplements for colon detoxification, liver detoxification, vision improvement and general health; Vitamins and minerals fortified drinks, namely, dietary supplemental drinks in the nature of vitamin and mineral beverages; Herbal drinks in the nature of dietary supplements used for weight loss; Medical preparations for slimming purposes, namely, slimming drinks; Nutritional supplements, namely, probiotic compositions and probiotic drinks; joint-health promoting drinks, namely pharmaceutical preparations for the treatment of hormonal disorders and the prevention of osteoporosis; joint-health promoting drinks, namely, medicinal drinks; fruit drinks and fruits juices; vegetable drinks; isotonic beverages; energy drinks; non-alcoholic cocktails; mineral and aerated waters; syrups for beverages

FILING BASIS

Section 1(b)

GOODS AND/OR SERVICES SECTION (030)(current)

INTERNATIONAL CLASS

030

DESCRIPTION

Non-medicated beverages made of tea leaves, herbs; herbal drinks used to aid in sleep and relaxation, slimming, colon detoxification, liver detoxification, vision improvement and general health; non-medicated tea consisting of peppermint; ginger flavoured tea; aromatic teas other than for medicinal use; flavourings of tea; herbal tea infusions; herbal tea other than for medical use; packaged tea other than for medicinal use

FILING BASIS

Section 1(b)

GOODS AND/OR SERVICES SECTION (030)(proposed)

INTERNATIONAL CLASS

030

TRACKED TEXT DESCRIPTION

~~Non-medicated beverages made of tea leaves, herbs~~; [Non-medicated beverages made of tea leaves and](#)

~~herbs; herbal drinks used to aid in sleep and relaxation, slimming, colon detoxification, liver detoxification, vision improvement and general health; herbal drinks namely, tea, juice, and infusions used to aid in sleep and relaxation; Herbal drinks, namely, tea, juice, and infusions for colon detoxification, liver detoxification, vision improvement and general health;~~ non-medicated tea consisting of peppermint; ginger flavoured tea; aromatic teas other than for medicinal use; flavourings of tea; herbal tea infusions; ~~packaged tea other than for medicinal use;~~ herbal tea other than for medical use; packaged tea, namely, loose-leaf teas, tea bags, tea pods other than for medicinal use

FINAL DESCRIPTION

Non-medicated beverages made of tea leaves and herbs; herbal drinks namely, tea, juice, and infusions used to aid in sleep and relaxation; Herbal drinks, namely, tea, juice, and infusions for colon detoxification, liver detoxification, vision improvement and general health; non-medicated tea consisting of peppermint; ginger flavoured tea; aromatic teas other than for medicinal use; flavourings of tea; herbal tea infusions; herbal tea other than for medical use; packaged tea, namely, loose-leaf teas, tea bags, tea pods other than for medicinal use

FILING BASIS

Section 1(b)

GOODS AND/OR SERVICES SECTION (032)(current)

INTERNATIONAL CLASS

032

DESCRIPTION

Non-alcoholic fruit juice and fruit drink beverages; collagen beauty drinks, namely, fruit juices, fruit drinks and energy drinks containing nutritional and functional ingredients not for medical purposes; ultra-violet whitening drinks, namely, fruit juice and vegetable juice not for medical purposes; detoxifying plum juices not for medical purposes; beverages made from natural ingredients namely, fruit and vegetables not for medical purposes; bird's nest beauty drink, plant stem cell beauty drink, vitamins and minerals fortified drinks, slimming drinks, probiotics and prebiotics drinks, joint-health promoting drinks, fruit drinks and fruits juices; vegetable drinks; isotonic beverages; energy drinks; non-alcoholic cocktails; mineral and aerated waters; syrups for beverages

FILING BASIS

Section 1(b)

GOODS AND/OR SERVICES SECTION (032)(proposed)

INTERNATIONAL CLASS

032

TRACKED TEXT DESCRIPTION

Non-alcoholic fruit juice and fruit drink beverages; collagen beauty drinks, namely, fruit juices, fruit drinks and energy drinks containing nutritional and functional ingredients not for medical purposes; ultra-violet whitening drinks, namely, fruit juice and vegetable juice not for medical purposes; detoxifying plum juices not for medical purposes; beverages made from natural ingredients namely, fruit and vegetables not for medical purposes; ~~bird's nest beauty drink, plant stem cell beauty drink, vitamins and minerals fortified drinks, slimming drinks, probiotics and prebiotics drinks, joint-health promoting drinks, fruit drinks and fruits juices;~~ beauty beverages, namely, bird's nest beauty drink and plant stem cell beauty drink, namely, fruits juices and energy drinks containing nutritional supplements; vegetable drinks; Vitamins and minerals fortified drinks, namely, drinking water with vitamins, energy drinks enhanced with vitamins and minerals, and sports drinks enhanced with vitamins and minerals; ~~isotonic beverages; energy drinks; non-alcoholic cocktails; mineral and aerated waters; syrups for beverages~~

FINAL DESCRIPTION	
Non-alcoholic fruit juice and fruit drink beverages; collagen beauty drinks, namely, fruit juices, fruit drinks and energy drinks containing nutritional and functional ingredients not for medical purposes; ultra-violet whitening drinks, namely, fruit juice and vegetable juice not for medical purposes; detoxifying plum juices not for medical purposes; beverages made from natural ingredients namely, fruit and vegetables not for medical purposes; beauty beverages, namely, bird's nest beauty drink and plant stem cell beauty drink, namely, fruits juices and energy drinks containing nutritional supplements; Vitamins and minerals fortified drinks, namely, drinking water with vitamins, energy drinks enhanced with vitamins and minerals, and sports drinks enhanced with vitamins and minerals	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Kimberley G. Nobles/
SIGNATORY'S NAME	Kimberley G. Nobles
SIGNATORY'S POSITION	Attorney of record, California Bar Member
SIGNATORY'S PHONE NUMBER	9496233588
DATE SIGNED	09/10/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Sep 10 20:48:04 EDT 2014
TEAS STAMP	USPTO/RFR-24.7.30.242-201 40910204804417159-8607962 5-50022389cfb4b479c74b6ce d96767ebddd87e2f0b981ed3f 6357ae9cd5e5eb2083-N/A-N/ A-20140902225256112020

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86079625** has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 005 for Nutraceuticals for use as a dietary supplement; health food supplements made principally of minerals and vitamins; collagen based medicated supplements for food; health food supplements for persons with special dietary requirements; mineral supplements to foodstuffs; anti-oxidant food supplements; dietary and nutritional supplements; pads and medical pads impregnated with medicated preparation for foot sole and pain-affected area for blood circulation and detoxification; skin creams and cleansers, namely the treatment for acne, whitening, anti-ageing, scar healing, slimming, hydrating; herbs for medicinal purposes; dressings impregnated with medicinal herbs, oils and lotions for antimicrobial treatment and treatment of dermatological conditions; namely scars and wounds

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: Nutraceuticals for use as a dietary supplement; health food supplements made principally of minerals and vitamins; ~~collagen-based medicated supplements for food;~~ Collagen based medicated supplements for food for humans; health food supplements for persons with special dietary requirements; mineral supplements to foodstuffs; anti-oxidant food supplements; dietary and nutritional supplements; ~~pads and medical pads impregnated with medicated preparation for foot sole and pain-affected area for blood circulation and detoxification;~~ Medical pads impregnated with medicated preparation for blood circulation and detoxification to treat foot pain; ~~skin creams and cleansers, namely the treatment for acne, whitening, anti-ageing, scar healing, slimming, hydrating;~~ Non-medicated, therapeutic skin creams and cleansers for the treatment of acne, dark spots and discoloration, anti-ageing, scar healing, slimming and hydrating; Medicated skin creams and cleansers for the treatment of acne, dark spots and discoloration, anti-ageing, scar healing, slimming, hydrating; ~~dressings impregnated with medicinal herbs, oils and lotions for antimicrobial treatment and treatment of dermatological conditions;~~ herbs for medicinal purposes; ~~namely scars and wounds;~~ Dressings impregnated with medicinal herbs, oils and lotions for antimicrobial treatment and treatment of dermatological conditions, namely scars and wounds; Herbal drinks in the nature of dietary supplements for colon detoxification, liver detoxification, vision improvement and general health; Vitamins and minerals fortified drinks, namely, dietary supplemental drinks in the nature of vitamin and mineral beverages; Herbal drinks in the nature of dietary supplements used for weight loss; Medical preparations for slimming purposes, namely, slimming drinks; Nutritional supplements, namely, probiotic compositions and probiotic drinks; joint-health promoting drinks, namely pharmaceutical preparations for the treatment of hormonal disorders and the prevention of osteoporosis; joint-health promoting drinks, namely, medicinal drinks; fruit drinks and fruits juices; vegetable drinks; isotonic beverages; energy drinks; non-alcoholic cocktails; mineral and aerated waters; syrups for beverages

Class 005 for Nutraceuticals for use as a dietary supplement; health food supplements made principally of minerals and vitamins; Collagen based medicated supplements for food for humans; health food supplements for persons with special dietary requirements; mineral supplements to foodstuffs; anti-oxidant food supplements; dietary and nutritional supplements; Medical pads impregnated with medicated preparation for blood circulation and detoxification to treat foot pain; Non-medicated, therapeutic skin creams and cleansers for the treatment of acne, dark spots and discoloration, anti-ageing, scar healing, slimming and hydrating; Medicated skin creams and cleansers for the treatment of acne, dark spots and discoloration, anti-ageing, scar healing, slimming, hydrating; herbs for medicinal purposes; Dressings impregnated with medicinal herbs, oils and lotions for antimicrobial treatment and treatment of dermatological conditions, namely scars and wounds; Herbal drinks in the nature of dietary supplements for colon detoxification, liver detoxification, vision improvement and general health; Vitamins and

minerals fortified drinks, namely, dietary supplemental drinks in the nature of vitamin and mineral beverages; Herbal drinks in the nature of dietary supplements used for weight loss; Medical preparations for slimming purposes, namely, slimming drinks; Nutritional supplements, namely, probiotic compositions and probiotic drinks; joint-health promoting drinks, namely pharmaceutical preparations for the treatment of hormonal disorders and the prevention of osteoporosis; joint-health promoting drinks, namely, medicinal drinks; fruit drinks and fruits juices; vegetable drinks; isotonic beverages; energy drinks; non-alcoholic cocktails; mineral and aerated waters; syrups for beverages

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 030 for Non-medicated beverages made of tea leaves, herbs; herbal drinks used to aid in sleep and relaxation, slimming, colon detoxification, liver detoxification, vision improvement and general health; non-medicated tea consisting of peppermint; ginger flavoured tea; aromatic teas other than for medicinal use; flavourings of tea; herbal tea infusions; herbal tea other than for medical use; packaged tea other than for medicinal use

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: ~~Non-medicated beverages made of tea leaves, herbs;~~ Non-medicated beverages made of tea leaves and herbs; ~~herbal drinks used to aid in sleep and relaxation, slimming, colon detoxification, liver detoxification, vision improvement and general health;~~ herbal drinks namely, tea, juice, and infusions used to aid in sleep and relaxation; Herbal drinks, namely, tea, juice, and infusions for colon detoxification, liver detoxification, vision improvement and general health; non-medicated tea consisting of peppermint; ginger flavoured tea; aromatic teas other than for medicinal use; flavourings of tea; herbal tea infusions; ~~packaged tea other than for medicinal use;~~ herbal tea other than for medical use; packaged tea, namely, loose-leaf teas, tea bags, tea pods other than for medicinal use

Class 030 for Non-medicated beverages made of tea leaves and herbs; herbal drinks namely, tea, juice, and infusions used to aid in sleep and relaxation; Herbal drinks, namely, tea, juice, and infusions for colon detoxification, liver detoxification, vision improvement and general health; non-medicated tea consisting of peppermint; ginger flavoured tea; aromatic teas other than for medicinal use; flavourings of tea; herbal tea infusions; herbal tea other than for medical use; packaged tea, namely, loose-leaf teas, tea bags, tea pods other than for medicinal use

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 032 for Non-alcoholic fruit juice and fruit drink beverages; collagen beauty drinks, namely, fruit juices, fruit drinks and energy drinks containing nutritional and functional ingredients not for medical purposes; ultra-violet whitening drinks, namely, fruit juice and vegetable juice not for medical purposes; detoxifying plum juices not for medical purposes; beverages made from natural ingredients namely, fruit and vegetables not for medical purposes; bird's nest beauty drink, plant stem cell beauty drink, vitamins and minerals fortified drinks, slimming drinks, probiotics and prebiotics drinks, joint-

health promoting drinks, fruit drinks and fruits juices; vegetable drinks; isotonic beverages; energy drinks; non-alcoholic cocktails; mineral and aerated waters; syrups for beverages

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: Non-alcoholic fruit juice and fruit drink beverages; collagen beauty drinks, namely, fruit juices, fruit drinks and energy drinks containing nutritional and functional ingredients not for medical purposes; ultra-violet whitening drinks, namely, fruit juice and vegetable juice not for medical purposes; detoxifying plum juices not for medical purposes; beverages made from natural ingredients namely, fruit and vegetables not for medical purposes; ~~bird's nest beauty drink, plant stem cell beauty drink, vitamins and minerals fortified drinks, slimming drinks, probiotics and prebiotics drinks, joint-health promoting drinks, fruit drinks and fruits juices;~~ beauty beverages, namely, bird's nest beauty drink and plant stem cell beauty drink, namely, fruits juices and energy drinks containing nutritional supplements; ~~vegetable drinks;~~ Vitamins and minerals fortified drinks, namely, drinking water with vitamins, energy drinks enhanced with vitamins and minerals, and sports drinks enhanced with vitamins and minerals; ~~isotonic beverages; energy drinks; non-alcoholic cocktails; mineral and aerated waters; syrups for beverages~~

Class 032 for Non-alcoholic fruit juice and fruit drink beverages; collagen beauty drinks, namely, fruit juices, fruit drinks and energy drinks containing nutritional and functional ingredients not for medical purposes; ultra-violet whitening drinks, namely, fruit juice and vegetable juice not for medical purposes; detoxifying plum juices not for medical purposes; beverages made from natural ingredients namely, fruit and vegetables not for medical purposes; beauty beverages, namely, bird's nest beauty drink and plant stem cell beauty drink, namely, fruits juices and energy drinks containing nutritional supplements; Vitamins and minerals fortified drinks, namely, drinking water with vitamins, energy drinks enhanced with vitamins and minerals, and sports drinks enhanced with vitamins and minerals

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Kimberley G. Nobles/ Date: 09/10/2014

Signatory's Name: Kimberley G. Nobles

Signatory's Position: Attorney of record, California Bar Member

Signatory's Phone Number: 9496233588

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the

applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86079625

Internet Transmission Date: Wed Sep 10 20:48:04 EDT 2014

TEAS Stamp: USPTO/RFR-24.7.30.242-201409102048044171

59-86079625-50022389cfb4b479c74b6ced9676

7ebddd87e2f0b981ed3f6357ae9cd5e5eb2083-N

/A-N/A-20140902225256112020